

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 522

October 27, 1995, 10:42 a.m.
Page S-15988 Temp. Record

BALANCED BUDGET RECONCILIATION/Nursing Home Standards

SUBJECT: Balanced Budget Reconciliation Act of 1995 . . . S. 1357. Pryor/Cohen amendment No. 2983.

ACTION: AMENDMENT AGREED TO, 51-48

SYNOPSIS: As reported, S. 1357, the Balanced Budget Reconciliation Act of 1995, will result in a balanced budget in seven years, as scored by the Congressional Budget Office (CBO). The bill will also provide a \$245 billion middle-class tax cut, \$141.4 billion of which will be to provide a \$500 per child tax credit.

The Pryor/Cohen amendment would strike the section of the bill entitled, "Quality Assurance Standards for Nursing Facilities," and would instead retain current Federal nursing home regulations, as established in the 1987 Omnibus Budget Reconciliation Act. (S. 1357 will block-grant Medicaid and will then require States to develop Medicaid plans that will include standards for, and certification of, nursing homes. The bill specifies the areas that States will be required to cover in their standards, and lists the rights of nursing home residents that will have to be protected, but States will have discretion to develop their own regulations.)

Those favoring the amendment contended:

Just a few years ago, many of the Nation's 2 million nursing home residents were subjected to shocking treatment. Woefully undertrained workers strapped patients to hard-backed chairs, fed them cheap diets, and kept them in a whimpering state of sedation. There were tales of urine-soaked hospital gowns and of false teeth collected at night and thrown into a communal vessel that patients had to fish through in the morning. All these abuses and more were documented by the National Academy of Sciences in 1986. The next year Congress passed Federal nursing home standards.

Those standards have been enormously helpful. Not only did abuses stop, but nursing homes found that they actually saved money by providing better treatment. According to a study of 269 nursing homes by Catherine Hawes of the Research Triangles, Federal standards saved those nursing homes \$2 billion by lowering the number of emergency room visits, lessening malnutrition, decreasing the use of catheters by 30 percent, and cutting the use of restraints by 25 percent.

(See other side)

YEAS (51)			NAYS (48)		NOT VOTING (0)	
Republicans (5 or 9%)	Democrats (46 or 100%)		Republicans (48 or 91%)	Democrats (0 or 0%)	Republicans (0)	Democrats (0)
Cohen	Akaka	Inouye	Abraham	Hutchison		
DeWine	Baucus	Johnston	Ashcroft	Inhofe		
Gregg	Biden	Kennedy	Bennett	Jeffords		
Snowe	Bingaman	Kerrey	Bond	Kassebaum		
Specter	Boxer	Kerry	Brown	Kempthorne		
	Bradley	Kohl	Burns	Kyl		
	Breaux	Lautenberg	Campbell	Lott		
	Bryan	Leahy	Chafee	Lugar		
	Bumpers	Levin	Coats	Mack		
	Byrd	Lieberman	Cochran	McCain		
	Conrad	Mikulski	Coverdell	McConnell		
	Daschle	Moseley-Braun	Craig	Murkowski		
	Dodd	Moynihan	D'Amato	Nickles		
	Dorgan	Murray	Dole	Pressler		
	Exon	Nunn	Domenici	Roth		
	Feingold	Pell	Faircloth	Santorum		
	Feinstein	Pryor	Frist	Shelby		
	Ford	Reid	Gorton	Simpson		
	Glenn	Robb	Gramm	Smith		
	Graham	Rockefeller	Grams	Stevens		
	Harkin	Sarbanes	Grassley	Thomas		
	Heflin	Simon	Hatch	Thompson		
	Hollings	Wellstone	Hatfield	Thurmond		
			Helms	Warner		

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Reputable nursing homes dread a return to the days of no Federal standards. They remember the reason those Federal standards were imposed in the first place was that States had failed in their duty to provide adequate protections, and they remember the shame that was visited on the entire industry by unscrupulous operators. They, and we, realize that the only certain advocate for elderly nursing home residents is the Federal Government. Most residents cannot dress or bathe themselves; most residents have mental disorders, most residents do not have any relatives who visit or help them. These people are entirely alone at the ends of their lives, and are totally at the mercy of their care givers.

Our colleagues tell us that the Finance Committee amendment which is being worked on will restore the Federal standards, and will also make a few improvements on them. Unfortunately, we must still insist on a vote on this amendment because we think one of the improvements they have told us about is not really an improvement at all. Our colleagues want to let States have waiver authority from Federal nursing home regulations if they have even more stringent regulations. The problem with this formulation is that a State may gain waiver authority for its very strict regulations and then not adequately enforce them. We think we need to keep Federal enforcement as well as Federal regulation. Therefore, we urge the adoption of this amendment.

While favoring the amendment, some Senators expressed the following reservations:

Our votes in favor of this amendment should not be taken as an endorsement of its provisions over the provisions on nursing homes that will be offered in the managers amendment (see vote No. 554). We suspect when we see those provisions we will find them to be superior. At this point, we are only voting for the Pryor/Cohen amendment because we have not yet seen the final language on nursing homes that will go into the managers amendment.

Those opposing the amendment contended:

Senators may have their political vote so they can brag about how they were in favor of retaining Federal nursing home regulations, but the fact is that we have already agreed to retain those regulations in the Finance Committee amendment which will soon be offered. Additionally, we have agreed to make two improvements to those Federal regulations. First, we will remove the costly and duplicative requirement for preadmission screening and annual resident review (PASARR). As far as we know, everyone agrees that this change is meritorious. Second, we will allow States to apply higher standards than the Federal standards. Some Senator have objected that States may impose higher standards and then fail to enforce them, but we also have added a provision that says the Federal Health Care Financing Administration will be able to continue enforcing Federal standards in those States. Again, our colleagues are obstinately refusing to take "yes" for an answer. They may have their vote, and we will vote "no," and we will then vote in favor of the Finance Committee amendment to enact improved Federal nursing home regulations (see vote No. 554).